IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3063 OF 2006.

Dr. Prakash Satappa Bandiwadekar ..Applicant
V/s
The State of Maharashtra ..Respondent.

Ms Anita K. h/f Mr. Nitin Pradhan for the applicant.

Mrs. M.M. Deshmukh, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 19TH SEPTEMBER, 2006.

P.C.

. This application was heard for sometime and affidavits were also filed in reply and rejoinder. Several aspects were highlighted before me. However, it appears from the perusal of the papers that the applicant has been arrested on 10th December, 2005 in CR.No. 36/1998 registered at Chandgad Police Station, Kolhapur for offences punishable under Sections 302, 307,109, 147 to 149, 120B, 224 of Indian Penal Code and offences punishable under Arms Act. He has been remanded to Judicial custody since 12th January, 2006.

2. It is not disputed before me that the applicant is an accused along with others in this CR.

3. The CR after investigations were completed and charge-sheet filed proceeded further and in Sessions Case No. 164/2000 the trial Court delivered a Judgment and order on 15th May, 2002. Four accused were put to trial. They were acquitted of the charge. The applicant was shown as an absconding accused in this case and direction was issued to trace and arrest him.

4. I am informed that another accused Shivaji Gawade was put to trial in the said CR No. 36/1998 but a separate Sessions case number was given and after trial he was convicted and sentenced to undergo life imprisonment. He has preferred an Appeal against the said conviction and sentence in this Court and the same is pending. The record and proceedings of the trial Court are transmitted to this Court.

5. The applicant before me is also an accused in the same C.R. and his application for bail was rejected by the trial Court. He has applied for being released on bail.

6. In my view, considering that the Sessions Case

has concluded in so far as the other accused and now is to be tried only in so far as the applicant and other two accused Bansial and Sanjay, it would be appropriate if the learned Sessions Judge is directed to conclude the trial as expeditiously as possible and in any event, within a period of six months from the date of receipt of this order.

7. I am informed that the other accused Bansilal and Sanjay are still absconding and have to be traced. This Court's direction is to expedite the trial in said Sessions case. It is for the prosecution now to take such decision as is permissible in law to segregate the trial.

8. I am making it clear that if the trial is not concluded within the period stipulated above, it will be open for the applicant to apply for being enlarged on bail and the trial Court thereupon shall consider such application uninfluenced by the order passed by it earlier, also disposal of the instant application.

(S.C.DHARMADHIKAR, J.)